

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
Region 21

THE ORANGE COUNTY REGISTER,  
A DIVISION OF FREEDOM COMMUNICATIONS, INC.

Employer

and

Case 21-RC-20314

GRAPHIC COMMUNICATIONS INTERNATIONAL  
UNION, LOCAL 404M, AFL-CIO

Petitioner

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board, hereinafter referred to as the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in the proceeding,<sup>1</sup> the undersigned finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.
3. Petitioner is a labor organization within the meaning of Section 2(5) of the Act and claims to represent certain employees of the Employer.
4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.
5. The following employees of the Employer constitute an appropriate unit for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time pressmen, paperhandlers, preventative maintenance employees, production maintenance employees, and ink recyclers employed in the Employer's production pressroom at 625 N. Grand Avenue, Santa Ana, California; excluding all other employees, office clerical employees, professional employees, guards, and supervisors as defined in the Act.

The Petitioner seeks to represent a unit of all full-time and regular part-time pressmen and paperhandlers employed at the Employer's Santa Ana facility. At the hearing, the parties agreed and stipulated that an appropriate unit would include all full-time and regular part-time pressmen and paperhandlers. However, the Employer contends that production maintenance employees, preventative maintenance employees, and the ink recycler share a sufficient community of interest so as to require their inclusion in the appropriate unit. To the contrary, the Petitioner contends that the petitioned-for unit is an appropriate unit, and that these employees do not share a sufficient community of interest to mandate their inclusion in the unit. Furthermore, the Employer asserts that the crew leaders in the pressroom are supervisors within the meaning of Section 2(11) of the Act and should therefore be excluded from any appropriate unit, while the Petitioner argues that they be included, inasmuch as they are not statutory supervisors.<sup>2</sup>

The Employer is engaged in the publication and printing of a newspaper, the Orange County Register, with a daily circulation in Southern California of approximately 330,000 (405,000 Sundays). In this regard, the Employer engages several printing presses nearly 7 days a week and almost 24 hours a day on some days to produce the newspapers in a timely manner.

The record discloses that the Employer's division of print operations is overseen by Vice-President of Print Operations Jack Abbott. Next in authority is Director of Print Operations Mike Burns. Burns oversees five shift managers, who in turn supervise the 14 press crews, consisting of various classifications of press operators. The shift managers also supervise the paperhandlers, preventative maintenance employees, and an ink recycler. Each press crew has its own crew leader. Abbott and Burns also oversee the production maintenance department,

---

<sup>1</sup> Both the Employer's name and the Petitioner's name appear as corrected at the hearing.

<sup>2</sup> While Petitioner took the position at the hearing that the crew leaders were not statutory supervisors and that they shared a community of interest with the appropriate unit, Petitioner did not discuss this issue in its brief.

which is headed by Maintenance Manager Larry Beatty. Although both the press crews and production maintenance are part of print operations, they are separate “cost centers” with separate managers.

The operation of the Employer’s six printing presses is dictated by the publishing schedule, in that most actual printing is done overnight. Printing demands are heavier towards the end of the week to accommodate the production of the Sunday paper. No presses run during the day on Sunday, Monday, or Tuesday, and their use is limited during the day for the remainder of the week, becoming increasingly busier on Friday and Saturday. Thus, the pressmen and the preventative maintenance employees are scheduled to meet this demand, with most of the approximately 100 workers in 14 designated press crews scheduled for the evening shift when the bulk of the printing occurs.

In fact, only four of the 14 press crews are scheduled for the “dayside” shift for 4 consecutive days, Wednesday through Saturday from 8:00 a.m. to 6:00 p.m. The remaining crews work staggered 4-day “nightside” shifts from 6:00 p.m. to 4:00 a.m. While each crew is assigned to a particular press, not enough presses may be operating on a given night to accommodate all the crews, so those without a specific assignment become “floaters” and assist other crews with cleanup and on-going maintenance duties. The press crews, which include reel employees and color setters, basically run the presses, as assigned by their crew leader and according to prepared “run sheets” or layouts which provide general guidance. In addition, the press crews perform ongoing maintenance on the presses, including changing reels, cutting “rubbers,” cleaning cylinder edges, and replacing blankets.

Although they are not technically part of the press crews and do not actually work on the presses, the paperhandlers’ schedules are coordinated with those of the press crews, inasmuch as they provide the paper rolls for the presses. Their work takes place in the basement, or lower-most level of the press, where they stock the paper rolls and move them on clamp trucks/fork lifts to a drop area, where the rolls, each weighing in excess of a ton, are attached to carts and towed on a “towveyer” to where the reel employees pull the paper onto the

presses. The paperhandlers are part of print operations, and are overseen by the director of print operations and the various shift managers.<sup>3</sup>

Also in the basement or lowest level is the ink recycler, an employee responsible for maintaining the equipment that takes waste colored and black ink and combines it with virgin ink to be recycled as black ink in subsequent runs. According to the record, various employees from the preventative maintenance crew, or “roller crew,” as well as production maintenance employees and paperhandlers, have accomplished this function. This employee, regardless of who is filling the position at the time, is overseen by the shift managers.

The preventative maintenance employees, also known as the roller crew as noted above, are also supervised by the shift managers as part of print operations. They generally work on the dayside shift when most of the presses are down. The roller crew, currently consisting of four employees, deals primarily with “consumables,” such as blankets and rollers. However, these employees can also perform other repairs such as replacing dampner motors or gears and repacking bearings. Occasionally, they also provide “run coverage” alongside the press crew on the press itself while it is printing to help ensure that there are no mechanical or printing breakdowns. All of the current preventative maintenance employees were former press crew employees, and this work appears to be paid at a higher grade than that of most of the press crew employees. These preventative maintenance employees also interface with the production maintenance employees, who trained most of them in maintenance tasks formerly performed by the production maintenance employees. Although the roller crew employees report to the shift managers and are also technically part of the same “cost center” as the press crews, their work on the presses is overseen by the manager in production maintenance. The periodic appraisals for the roller crew are also prepared by the production maintenance supervisors rather than the shift supervisors.

The production maintenance department is not part of the pressroom, and has its own budget and supervision headed by Manager Larry Beatty and four supervisors. The approximately 22 production maintenance employees in this department are divided into four

---

<sup>3</sup> The parties stipulated at the hearing that the paperhandlers be included in any unit found

specialized areas: pressroom mechanical, electrical, mailroom mechanical, and night-side mechanical. Within these categories, certain employees are designated as air, ink, and water mechanic; and forklift mechanic.<sup>4</sup> These employees are engaged in regularly scheduled repairs of a mechanical or electrical nature. Many of them work during the day shift when the presses are slow or down, with about a third of them designated as night-shift employees in charge of “emergency repairs” on the running presses. However, during the night shift and on Saturdays, there are no production maintenance supervisors present, and these employees report to the pressroom shift managers.

Although the pressroom shift managers and crew leaders are not involved in the appraisals or the determination of wage rates for the production maintenance employees, the pressroom management works closely with the production maintenance department to coordinate repair and maintenance projects. Weekly meetings are held between managers of the two departments to discuss workflow and the reduction of downtime. Hiring and promotion decisions for production maintenance employees are made by their own supervisors, although the pressroom shift managers and crew leaders are solicited for feedback regarding the mechanics’ performance. Like the roller crew employees, a number of production maintenance employees transferred from press crews. This classification is rated higher than either roller crew or most press employees with regard to applicable pay scales.

With regard to the specific tasks performed by the production maintenance department, the dayside mechanics and electricians do regular preventative maintenance according to logs which describe weekly, monthly, quarterly, semi-annual, and annual tasks to be performed on the presses. Most of the production maintenance employees utilize this established maintenance schedule, but also work closely with the pressroom shift managers for special maintenance projects, and to also coordinate downtime availability on the presses. Many routine tasks, such as blanket maintenance, rollers, slitters, angle bars, and greasing were performed in the past exclusively by the production maintenance employees, who recently trained

---

appropriate.

<sup>4</sup> The forklift, which is actually a clamp, is utilized by the paperhandlers to move the rolls of paper to the towveyor belt. The mailroom mechanic also repairs the forklift during the nightshift.

the press crews and roller crews to perform these tasks. Also, the press crews now “troubleshoot” potential problems, including the ever-present folder jams, and attempt to resolve them before summoning a mechanic or electrician from production maintenance. This revised practice is intended to ease the maintenance load on the production maintenance workers and to reduce downtime. Certain repairs, however, are still performed almost exclusively by the production maintenance employees, including any problem that involves removing the back of the press or any task that requires special tools the press crew does not carry. Almost all of the production maintenance workers’ shift is spent in the pressroom or on the presses themselves performing maintenance or providing run support.

The production maintenance electricians work primarily on the digital ink packs, the electric drive system which powers the press itself, the reel tension panels, press control systems, and any other electrical or electronic component of the press. Those electricians on the day shift work almost exclusively in the pressroom working on motors, drive links, reel tension panels, drive cabinets, and press controls on presses which are down or slow. In fact, in the past, the electricians had the same schedule as the press crews, but their shifts were very recently staggered to allow more down presses to be available for extensive maintenance. Some portion of the electricians’ time may be spent in the electrical shop repairing boards and packs, but the majority of their shift is spent on the presses. In addition to the regular maintenance described above, they also coordinate with the shift managers and crew leaders of the press crews for specific complaints and projects, and work alongside the press crews on the presses. Again, during the night shift and on Saturdays, the production maintenance electricians report to the pressroom shift managers in the absence of any production maintenance supervisors.

There is little evidence in the record with regard to the mailroom mechanics in the production maintenance department and what their specific duties might be. These three or four employees all work the day shift, and spend most of their time in the mailroom, where the paper is assembled with the various inserts and ads and then bundled for delivery. At least one of these mechanics provides run coverage, but this is apparently limited to the mailroom end of the paper. They also perform maintenance work in the platemaking room, but the record fails to

disclose the nature of those duties.<sup>5</sup> Occasionally, they work on special maintenance projects in the pressroom. Like the pressroom mechanics and electricians, they are supervised by Manager Larry Beatty.

All employees in print operations, including the various pressroom employees and production maintenance employees described above, receive the same benefits from the Employer, including medical, dental and vision benefits, life insurance, a Section 401(k) plan, a pension plan, educational assistance, vacation, holidays, and sick days. Moreover, all these employees are subject to the same employee handbook provisions regarding timekeeping, working

conditions, discipline, and work rules. There is no history of collective-bargaining at the Employer's facility.

With regard to the disputed pressroom crew leaders, their duties were apparently expanded between 1997 and 2000, when a series of reorganizations eliminated the former press crew foremen and assistant foremen. As a result, the five shift managers who report to Abbott and Burns acquired broader oversight duties, like contacting vendors, special projects and training, and meeting regularly with other departments to coordinate product flow from the newsroom to the pressroom, and less on-site direction of the pressroom. Thus, the crew leaders took on more direct oversight of their press crews. Specifically, the crew leaders now schedule daily breaks and lunch breaks for their crew based upon production requirements, inasmuch as the presses cannot be shut down. Also, the press crew employees request vacation time or time off through their crew leader, who orally approves or disapproves the request, and then forwards the paperwork to the shift manager to log in the vacation book. Absent crew members must call their crew leader, who then completes a form that is kept on file until the crew member returns, at which time the form is signed off and filed.<sup>6</sup> Thus, the crew leaders keep attendance forms,

---

<sup>5</sup> Also, there is no evidence in the record regarding the duties of the approximately 14 platemakers, who make up part of print operations. The parties stipulated to the exclusion of the platemakers from the appropriate unit.

<sup>6</sup> This form may also be completed by the shift manager if the employee happened to call him first.

which are later considered in the crew member's appraisal. Crew members may also bid for crew leader jobs by means of a bid form which is submitted to a crew leader, who then solicits feedback from other crew leaders as to the applicant's suitability for promotion and forwards the bid, along with a recommendation, to the shift managers.

Specific assignments and direction are given daily to each press crew by the crew leader based upon where individuals are needed during any given time in the production cycle. These assignments are based upon the crew leader's work experience and knowledge of the tasks and relative skills of his crew members, as well as manpower availability, the difficulty or complexity of each chore, and the time available. Often, crew members will be assigned a different task after a break or lunch break by the crew leader. The shift managers have no direct input into the assignment of individual crew members, and in fact have little direct contact with the press crews unless there is an ongoing attendance issue.<sup>7</sup> While there does not appear to be any formalized training program for press crews, or at least none is described in the record, most crew leaders train their crew members on the operation of the press and the various tasks required. Most of the crew leaders were at one time members of press crews themselves until being promoted. Thus, they are familiar with the entire press operation and able to direct the work of others.

In addition to the assignment of crew members to various tasks on the press, the crew leader also frequently works on the press himself, assuring its proper operation and checking product quality. Ultimately, the crew leader is responsible for the overall quality of the paper produced on his press and for determining whether it is a sellable product or not.

---

<sup>7</sup> While the record suggests that crew members come to their crew leaders with work problems and issues, there does not appear to be any formalized grievance procedure. Nor is there any evidence that crew leaders were able to or did in fact adjust employee grievances.



Crew leaders also issue warnings to their crew members in the form of a “Associate Performance Documentation” or by memorandum to the file, generally describing work performance problems relating to the running of the presses. Apparently, not all crew leaders utilize these forms, and at least one crew leader prefers to orally counsel his crew. After the crew leader completes the form or memorandum, it is forwarded to the shift manager who may discuss the problem with the crew leader and the employee. In the case of recurring problems with an employee, the crew leader can recommend to the shift manager that the employee be disciplined or transferred. However, no evidence exists in the record of this having occurred. Shift managers may, after meeting with the employee, veto or override the crew leader’s writeup. Although the warnings are apparently placed in the crew member’s file, the record does not reveal how they are utilized or whether they are cumulative, resulting in further discipline.

Many of the press crew employees began as temporary employees through a “temp-to-hire” program utilized by the Employer for about the past 2 years. In this regard, the temps are observed for an average of 2 to 3 months to determine their suitability for the job, at which time the crew leader can recommend to the shift manager whether the person should be retained as a regular employee or not. Although the shift managers elicit regular feedback from the crew leaders on the temps’ performance, they do not regularly observe their work, so they must rely heavily on the recommendation of the crew leader who directly supervises those individuals. Therefore, shift managers will generally follow the recommendation of the crew leader. Also, within the past few years, crew leaders recommended certain “dual function” press crew employees for promotions and raises. Of the eight employees so identified by the crew leaders, the shift managers promoted seven of them based primarily on the crew leaders’ assessments and recommendations.

Pressroom employees are evaluated at least annually, when they are considered for wage increases. In addition to a yearly appraisal, each press crew employee completes a self-appraisal, and may be subject to quarterly reviews as well. Each crew leader regularly

receives a performance review package containing the self-appraisal forms and Associate Performance Review forms. The crew leader completes the performance review form for each member of his crew, indicating success in various categories including job knowledge, skill, productivity, initiative, quality, and teamwork, on a scale of one to five. These completed review forms are then forwarded, along with each crew member's self-appraisal, to the shift managers. The shift managers then review the forms, asking for clarification or more detail if needed, and then generally accept the crew leader's assessment of the employee in question. One long-time shift manager testified that he generally accepted the crew leader's recommendations 80 to 90 percent of the time, inasmuch as the crew leader directly oversaw the employee's work and was in a better position to assess it. Both the shift managers and the crew leaders will discuss evaluations together with the employee if necessary.

The shift managers then utilize the appraisals completed by the crew leaders to determine the amount of annual wage increase, if any, for each crew member. The amount of each individual's raise is determined by plugging numeric values derived from the evaluations completed by the crew leaders into a grid, thereby removing most subjectivity from the process.

Crew leaders are also subjected to regular reviews using the same performance review form that is completed by the shift managers. Their reviews, however, also contain an assessment of management competencies, such as decisionmaking, management, organization, and leadership, to which regular crew members are not subjected. The wage scale for crew leaders is higher than that of most press crew employees, inasmuch as they are in a higher grade.

The first issue to be determined is the appropriateness of the unit requested by the Petitioner, which would include all pressmen and paperhandlers in the pressroom, but exclude the preventative maintenance employees and the ink recycler, and the production maintenance employees. It is well established that the Board does not have to determine the most appropriate unit, but rather an appropriate unit. *P.J. Dick Contracting*, 290 NLRB 150 (1988) Factors considered in determining an appropriate unit include the petitioning union's desires, bargaining history, functional integration and common contact among employees, work

sites, and fringe benefits. *Airco, Inc.*, 273 NLRB 348 (1984). The Board has established that a plant-wide unit is presumptively appropriate and that organization by department or classification is not generally favored. *P.J. Dick Contracting, supra*.

However, the Board has acknowledged the unique nature of the newspaper industry in that the end product is always the result of the close cooperation and joint efforts of all departments. *The Bureau of National Affairs, Inc.*, 96 NLRB 673 (1951). As a result of this degree of functional integration, the Board has held that an optimal unit in the newspaper industry includes all non-mechanical employees. *Garden Island Publishing Co., Ltd.*, 154 NLRB 697 (1965).

In the mechanical department of a newspaper such as that under consideration in this case, the Board usually finds appropriate separate units of the various crafts. Notwithstanding this presumption, the Board has historically found combined craft units appropriate where a union sought to represent the traditional mechanical crafts in a single unit, and where there was no objection to the joinder of those crafts by either the employer or another union claiming to represent any mechanical craft on a separate basis. *Garden Island Publishing Co., supra*.

More recent Board decisions, however, reflect the lessening influence of tradition in the newspaper industry, particularly in view of technological advances which have eliminated or substantially changed certain job duties. The Board's Decision in *Leaf Chronicle Company*, 244 NLRB 1104 (1979), found an overall mechanical unit, including mechanic employees in the press areas, emphasizing the merger of several established craft units, and the lack of any special skills or any rigid apprenticeship programs in the pressroom. Furthermore, the Board stressed that the employees in the appropriate mechanical unit all shared identical fringe benefits and worked similar hours with common overall supervision, and thus did not comprise "sufficiently well-defined functionally distinct groups so as to overcome the community of interest they share." *Leaf Chronicle, supra*, 244 NLRB at 1106. See also *American- Republican, Inc.*, 171 NLRB 43 (1968).

In the present case, the Petitioner seeks to represent a unit which excludes two categories of pressroom employees – the preventative maintenance employees and ink recyclers – from the remainder of the pressroom employees, consisting of pressmen and paperhandlers. It is undisputed that these employees work side-by-side with the employees who operate the presses on a daily basis. They report to the same shift managers as do employees on the press crews. In fact, the ink recycler appears to be more of a task than a classification, since the record demonstrates that many kinds of employees, including preventative maintenance employees, can and do perform this chore regularly. This employee is also overseen by the shift managers. Thus, the unit sought by the Petitioner is not appropriate, as there is a sufficient community of interest to conclude that the preventative maintenance and ink recycler employees must be included in an appropriate unit.

The production maintenance employees are slightly more problematic, inasmuch as they are not part of the actual press crews and do have different immediate supervision, albeit they are still part of print operations. However, the record is replete with instances of these employees working side-by-side with the press crews on the presses. The production maintenance workers have trained many of the press crews to perform maintenance chores, further blurring the distinctions between their traditional crafts.<sup>8</sup> Moreover, in the absence of any formalized apprenticeship program, many of the production maintenance workers began on the press crews, and then logically progressed as their experience grew, to more specialized maintenance-oriented functions. The difference in pay scales between the press crew and the production maintenance employees appears to be more a reflection of experience on the press, and not of any advanced training or ability. Although the production maintenance employees report to their own manager, it is undisputed that in the absence of their manager, they report to the same shift managers as the press crews do. In fact, since no production maintenance supervisor is present during the evening shift, when most of the press crew works, or on Saturday, the production maintenance employees may report more frequently to the pressroom

---

<sup>8</sup> In fact, there is evidence in the record which suggests that the preventative maintenance employees are directed by the production maintenance supervisors, also blurring the distinctions between these two groups of employees.

shift manager than to their own manager. Moreover, the production maintenance employees coordinate closely with both the pressroom shift managers and the crew leaders to discuss and schedule maintenance, and to respond to particular problems with the presses. Such a high integration of function, in addition to some common supervision and identical benefits, argues strongly in favor of their inclusion in any appropriate unit.

Given the foregoing factors, and the evidence that the production maintenance employees spend most of their work time in the pressroom working on the presses themselves, I find that the approximately 22 production maintenance employees must be included in the appropriate unit. *Leaf-Chronicle Co.*, *supra*, 244 NLRB at 1105.

The remaining issue is the supervisory status of the approximately 14 pressroom crew leaders.

Section 2(11) of the Act provides:

The term “supervisor” means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgement.

The possession of any authority enumerated in Section 2(11) is sufficient to establish supervisory status, since the section is interpreted disjunctively. See, e.g., *Times Herald Printing Co.*, 252 NLRB 278 (1980).

Board cases have traditionally found newspaper employees known as “press operators” (as the instant crew leaders were formally called) and “men in charge” to be statutory supervisors based upon the authority to assign work to press crews using independent judgment. These assignments require consideration of the abilities of the employees, job priorities, and the employer’s particular production needs. In *McClatchy Newspapers, Inc.*, 307 NLRB 773 (1992), the Board found press operators to be supervisors based upon their authority, and rejected arguments that their assignment and direction of work was merely clerical or ministerial, given the significant amount of independent judgment exercised by the press operators. Further, the Board also found that the press operators were vested with considerable responsibility for the operation

of the presses and for the quality of the employer's product. *McClatchy Newspapers, Inc.*, *supra*, 307 NLRB at 779. See also, *Times Herald Printing Co.*, *supra*, 252 NLRB at 283, which discusses the supervisory "men in charge," whose duties and responsibilities are markedly similar to those of the crew leaders herein.

The Board has long held, however, that the fact that one employee is skilled and gives instructions to or makes daily assignments to other employees, does not, standing alone, require a finding of supervisory status. *Lakes Concrete Industries*, 172 NLRB 896 (1968). Thus, the exercise of such authority must not be routine, or fixed, in nature. Rather, the employee in question must be vested with genuine management prerogatives.

In this case, the record is replete with instances of the crew leaders using independent judgment to make significant decisions on the part of management beyond just the responsible assignment of work and the ultimate responsibility for the end work product. Specifically, in addition to the foregoing use of independent judgment on behalf of the Employer, the crew leaders also demonstrate primary indicia of supervisory status by being able to effectively recommend whether temporary employees be retained or not, and in their significant participation in the evaluations of the pressroom employees. The evidence is undisputed that the crew leaders complete the regular appraisal forms, which are then largely adopted by the shift managers with little or no change. These appraisals are directly used in the determination of wage rates by the Employer. In addition, the writeups and warnings prepared by the crew leaders go directly – again usually unchanged – into the employee's file. The crew leaders also effectively recommend certain employees for promotion, and approve time off and vacation. Thus, they are clearly viewed as supervisors with recognizable authority on behalf of the Employer to make such decisions. See *Times Herald Printing Co.*, *supra*, 252 NLRB at 285.

Therefore, based upon the foregoing, I find that the crew leaders are supervisors as defined in Section 2(11) of the Act, and shall exclude them from the unit found appropriate herein.<sup>9</sup>

---

<sup>9</sup> Inasmuch as I have found a unit different than that requested by the Petitioner, in accordance with established Board practice, I shall allow the Petitioner fourteen (14) days from the date of the Decision and Direction of Election in which to perfect its 30 percent showing of interest in the

There are approximately 140 employees in the unit.

#### DIRECTION OF ELECTION

An election by secret ballot shall be conducted by the undersigned among the employees in the unit found appropriate at the time and place set forth in the notice of election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the unit who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period, and their replacements. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are those employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective-bargaining purposes by **Graphic Communications International Union, Local 404M, AFL-CIO**.

#### LIST OF VOTERS

In order to ensure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters in the unit and their addresses which may be used to communicate with them. *Excelsior Underwear Inc.*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Company*, 394 U.S. 759 (1969). Accordingly, it is hereby directed that within 7 days of the date of this Decision, two copies of an alphabetized election eligibility list, containing the full names and

---

Unit. In the event the Petitioner does not establish a proper showing of interest in the unit within the 14-day period, I shall dismiss the petition, unless it is withdrawn. Should the Petitioner not wish to participate in an election in the unit found appropriate herein, it may withdraw its petition, without prejudice, by giving notice to that effect to the Regional Director within ten (10) days from the date of the Decision and Direction of Election.

addresses of all the eligible voters, shall be filed by the Employer with the undersigned, who shall make the list available to all parties to the election.<sup>10</sup> *North Macon Health Care Facility*, 315 NLRB 359 (1994). In order to be timely filed, such list must be received in Region 21, 888 South Figueroa Street, Ninth Floor, Los Angeles, California, on or about March 30, 2001. No extension of time to file the list shall be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement herein imposed.

#### NOTICE OF POSTING OBLIGATIONS

According to Board Rules and Regulations, Section 103.21, Notices of Election must be posted in areas conspicuous to potential voters for a minimum of 3 working days prior to the day of the election. Failure to follow the posting requirement may result in additional litigation should proper objections to the election be filed. Section 103.20(c) of the Board's Rules and Regulations requires an employer to notify the Board at least 5 full working days prior to 12:01 a.m. of the day of the election if it has not received copies of the election notice. *Club Demonstration Services*, 317 NLRB 349 (1995). Failure to do so estops employers from filing objections based on nonposting of the election notice.

#### RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of the Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14<sup>th</sup> Street, N.W., Washington, D.C. 20570. This request must be received by the Board in Washington by April 6, 2001.

Dated at Los Angeles, California, this 23rd day of March, 2001.

---

<sup>10</sup> The list may initially be used by the undersigned to assist in determining an adequate showing of interest in the unit. The undersigned shall make the list available to the Petitioner when she



/s/Victoria E. Aguayo  
Victoria E. Aguayo, Regional Director  
National Labor Relations Board  
Region 21  
888 South Figueroa Street, Ninth Floor  
Los Angeles, CA 90017

401-2075-4250  
420-2900  
420-4600  
420-5000  
440-1760-1500  
440-1760-9167-7600  
440-7550-8700

---

determines that an adequate showing of interest among the employees in the unit found appropriate has been established.